BEFORE THE LOK ADALATH
ORGANIZED BY THE HIGH COURT LEGAL SERVICES COMMITTEE

PRESENT :

THE HONOURABLE MR. JUSTICE C.S.RAJAN
(RETD.JUDGE, HIGH COURT OF KERALA)
&
THE HONOURABLE MR. JUSTICE M.R.HARIHARAN NAIR
(RETD.JUDGE, HIGH COURT OF KERALA)

MONDAY, THE 1ST JANUARY 2007 / 11TH POUSHA 1928

LA.App..No. 1060 of 2002(D)

LAR.179/1998 of PRINCIPAL SUB COURT,PARAVUR DATED 24-11-01
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APPELLANT/CLAIMANTS:
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1. VARIATH MATHAPPAN, AREEKAL,
KEEZHPARIYARAM S/O. VARGHESE, VAPPALISSERI,
P.O.ANGAMALI.

2. VARIATH ELIAS, AREEKAL,
KEEZHPARIYARAM S/O. VARGHESE, VAPPALISSERI,
P.O.ANGAMALI.

BY ADV. SRI.T.KRISHNAN UNNI
SRI.VINOD RAVINDRANATH

RESPONDENTS/ RESPONDENTS
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1. KERALA STATE REPRESENTED BY SPECIAL
TAHSILDAR (LA) NO.1 KIA, NEDUMBASSERY, ANGAMALY

2. KOCHI INTERNATIONAL AIRPORT SOCIETY,
REPRESENTED BY ITS MANAGING DIRECTOR, ANGAMALY,
ERNAKULAM.

BY ADV. SRI.N.N.SUGUNAPALAN, SC, KIAS LTD.(FOR R2)

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR DETERMINATION AT THE LOK ADALATH ALONG WITH LAA NO.1553 OF 2002 AND THE PARTIES HAVING SETTLED THE MATTER, THE FOLLOWING AWARD IS PASSED IN TERMS OF THE SETTLEMENT:

C.S.RAJAN (RETD. JUDGE) &
M.R.HARIHARAN NAIR (RETD. JUDGE)

L.A.A. Nos. 1060 & 1553 OF 2002

Dated this the 1st day of January, 2007

A W A R D

C.S.RAJAN (Rtd. Justice)

The counsel for both sides and Land Acquisition Officer representing the State are present. These appeals arise from the judgment of the sub Court passed in LAR No.179/98 and 45/1998. The sub Court did not agree to the request of these Appellants to grant 96% more than what was allowed based on LAR 134/98, but allowed 45% more. When other cases in which decision in LAR134/98 was followed came up before the Division Bench of this court in LAA 1334/02, LAA 865/2000 and connected cases, it was found that as against 96% enhancement allowed in LAR 134/98; only 45% increase on the land value can be given vis-a-vis the value fixed by the Land Acquisition Officer. In view of the said finding it is represented by counsel for both sides that the claim in present cases also could be settled on payment of 45% enhancement. This amount, it is stated has already been paid pursuant to the impugned decision of the sub Court. Hence the Appellants will not get anything more in these Appeals towards enhanced compensation.

2. However in view of the settlement arrived at as above the appellants will be entitled to get refund of the court fee paid in these appeals.

3.The submission that no more amount remains payable by the state towards compensation to the appellants now is also recorded and the Appeals are disposed of allowing refund of court fees.

C.S.RAJAN
(RETD. JUDGE)

M.R.HARIHARAN NAIR
(RETD. JUDGE)

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